



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Councilmember Johnny Khamis
District 10

**SUBJECT: REDUCING CRIME AND
KEEPING CALIFORNIA
SAFE ACT OF 2018**

DATE: 04/26/18

APPROVED: _____

RECOMMENDATION

1. Declare a support position for the Reducing Crime and Keeping California Safe Act of 2018.
2. Place the item on the May 15, 2018 Council Agenda for action.

SUMMARY

The Reducing Crime and Keeping California Safe Act of 2018 is a state-wide ballot initiative that has been submitted to the Attorney General for title and summary, and aims to qualify for the November 2018 general election. This Act is focused on fixing the unintended consequences generated by the latest public safety reforms – Propositions 47 and 57. The Act would re-classify crimes that, under Proposition 57, qualify as “non-violent”, including: the rape of an unconscious person, sex trafficking of a child under the age of 14, and domestic violence. Because these crimes are classified as “non-violent” these inmates would qualify for early release.

In addition, Proposition 47 reduced law enforcement’s ability to solve violent crimes by eliminating DNA collection for misdemeanors. It is the DNA collection from these lesser offenses that often helps to solve the more serious crimes of rape and murder, and DNA was the key to the recent break in the “Golden State Killer” case. This Act would require DNA collection from those convicted of all misdemeanors and felonies.

The Act is also intended to reverse the large increase in property crimes experienced by communities throughout the state by allowing serial theft to be charged as a felony.

Finally, the Act will reform the parole system to stop the early release of violent felons, as well as expanded parolee oversight, and strengthened penalties for parole violations.

DISCUSSION

Protecting every person in our state, including our most vulnerable children, from violent crime is of the utmost importance and the #1 responsibility of elected officials. Without safe communities, we cannot have healthy, vibrant, livable, sustainable, and prosperous communities. It is my firm belief

that murderers, rapists, child molesters and other violent criminals should not be released early from prison, which is why I hope you will join me in supporting the Reducing Crime and Keeping California Safe Act of 2018 to fix the unintended consequences of Propositions 47 & 57.

The Act Preserves Existing Criminal Justice Reforms

The Reducing Crime and Keeping California Safe Act of 2018 reforms the law so felons who violate the terms of their release can be brought back to court and held accountable for such violations. Nothing in the Act is intended to create additional "strike" offenses which would increase the state prison population, nor is it intended to affect the ability of the California Department of Corrections and Rehabilitation to award educational and merit credits.

The Act does not affect existing legal safeguards that protect the privacy of individuals by allowing for the removal of their DNA profile if they are not charged with a crime, are acquitted, or are found innocent. It will not eliminate Propositions 47 and 57, but it will correct the unintended consequences that arose with their implementation.

The Act Fixes the Definition of Violent Crime

Since 2014, California has had a larger increase in violent crime than the rest of the United States. Since 2013, violent crime in Los Angeles has increased 69.5%. Violent crime in Sacramento rose faster during the first six months of 2015 than in any of the 25 largest U.S. cities tracked by the FBI. The FBI Preliminary Semiannual Uniform Crime Report for 2017, which tracks crimes committed during the first six months of the past year in U. S. cities with populations over 100,000, indicates that last year violent crime increased again in most of California's largest cities. Recent changes to parole laws allowed the early release of dangerous criminals due to the law's failure to define certain crimes as "violent." These changes allowed individuals convicted of sex trafficking of children, rape of an unconscious person, felony assault with a deadly weapon, battery on a police officer or firefighter, and felony domestic violence to be considered "non-violent offenders". Thus, these so-called "non-violent" offenders are eligible for early release from prison after serving only a fraction of the sentence ordered by a judge. Violent offenders are also being allowed to remain free in our communities even when they commit new crimes and violate the terms of their post-release community supervision.

The Act Expands DNA Collection While Protecting Those Not Convicted

Collecting DNA from criminals is essential to solving violent crimes, yet over 450 violent crimes including murder, rape and robbery have gone unsolved because DNA is being collected from fewer criminals. Recent changes to California law unintentionally eliminated DNA collection for theft and drug crimes. This measure restores DNA collection from persons convicted of such offenses, and permits the collection of more DNA samples. Collecting DNA from those convicted of crimes will help identify suspects, clear the innocent, and free the wrongly convicted.

The Act Gives Law Enforcement a Tool to Combat Serial Thefts

Recent changes to California law allow individuals who steal repeatedly to face few consequences, regardless of their criminal record or how many times they steal. Thus, between 2014 and 2016, California had the 2nd highest increase in theft and property crimes in the United States, while most states have seen a steady decline. Per the California Department of Justice, the value of property stolen in 2015 was \$2.5 billion with an increase of 13 percent since 2014, the largest single-year increase in

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at least ten years. Other changes to California law have reduced judges' ability to order individuals convicted of repeated theft crimes into effective drug treatment programs. California needs stronger laws for those who are repeatedly convicted of theft related crimes, which will encourage those who repeatedly steal to support their drug problem to enter existing drug treatment programs, and this measure provides for such reforms.

Conclusion

I have talked with leaders within our law enforcement community as well as rank and file members – and they all agree that there were predictable, yet unintended consequences from the well-intended criminal justice reforms contained in Propositions 47 and 57 that need to be remedied. Governor Brown has also made it clear that he would like to see fixes made that would deal with the unintended consequences from these reforms. The Reducing Crime and Keeping California Safe Act of 2018, if it qualifies for the ballot, will provide for the reforms needed to keep our communities safe and our property secure, and we should send a strong message of support to ensure that it succeeds.

Let's give our police and justice system the tools they need to do their jobs effectively and keep our communities safe and our property secure while preserving key reforms and protecting the rights of the innocent.

For the complete text of the initiative visit https://keepcalsafe.org/assets/keep-ca-safe-petition-d_no-form.pdf

The Office of the City Clerk will post the item on the City's Website for the May 2, 2018 Rules Committee Agenda and the May 15, 2018 City Council Agenda.